

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: October 27, 2011

Agenda Item: Smith River State Park Biennial Rule – Outfitter Administration Rule Amendment

Division: Parks

Action Needed:

<input checked="" type="checkbox"/> Approval of Tentative Rule	<input type="checkbox"/> Approval of Final Rule/Action
<input type="checkbox"/> Endorse Course of Action	<input type="checkbox"/> None - information only

Time Needed on Agenda for this Presentation: 20 minutes

Background: To improve non-commercial floater opportunities, in November 2010, the FWP Commission adopted a rule requiring Smith River outfitters to finalize the movement of allocated launch dates 7 days prior to the private permit lottery drawing held annually in February. All launches on the calendar not occupied by an outfitter would then become available to the public in the drawing (approximately 30 additional launches during the high use period of May 01 – July 21). Outfitters wishing to move a launch date after the lottery would be required to utilize the existing Smith River reservation phone line to determine if a launch was available. These changes were implemented beginning with the 2011 float season.

This rule change was the preferred alternative and developed through the Smith River State Park & River Corridor Management Plan, adopted on July, 2009. During the June 09, 2011 FWP Commission meeting, two commercial operators asked the Commission to consider making an emergency exception to the biennial rule. The requested exception was stated in response to hardships and loss of flexibility experienced by the outfitters attempting to move allocated launches from the month of June into July. Extremely high river flows prompted the desire to move launches. The Commission determined that there was no administrative flexibility contained in rule to allow an emergency exception (such as additional launches beyond the 9 per day allowed) and that any rule changes would be subject to public comment which is typically a three month process.

During the October 13, 2011 FWP Commission meeting, a commercial operator requested that the Commission consider a change to the biennial rule that could go into effect beginning with the 2012 float season. This request was based on the same concerns voiced at the June Commission meeting.

Public Involvement Process & Results: None – information only

Alternatives and Analysis:

Alternative A: No Change. No change to existing rule. Outfitters would have the ability to freely move launch dates up to 7 days prior to the private lottery drawing. All launches on the calendar not occupied by an outfitter would then become available to the public in the drawing.

Alternative B: (recommended by agency) Set-Aside Launches during May and July with Time-Limited Movement. Outfitters would have the ability to freely move launch dates up to 7 days prior to the private lottery drawing. All launches on the calendar not occupied by an outfitter, with the exception of May and July, would then become available to the public in the drawing. Two launches on Sundays and Wednesdays and one launch on all other days of the week would be “set-aside” from the lottery drawing during the months of May and July. Outfitters would have the ability after the lottery drawing to move into “set-aside” launches up to 28 days prior to a specific date in May and July. 28 days prior to a specific date in May and July that was not

occupied by an outfitter, the “set-aside” launch would become available to the general public via the reservation phone line.

Pros

- High flexibility for outfitters to move launches post-drawing.
- High predictability for outfitters of future river conditions (high water vs. low water) and determination of needed launch date movement.
- Up to 28-day movement window allows adequate time for outfitters to reschedule logistics, for both employees and clients, and long-term equipment needs.
- More insurance of providing clients with a quality experience.

Cons

- Moderate complexity for Department to administer.
- Decreased opportunity for public in lottery drawing (approximately 39 launches).

Alternative C: Extended Time Limitation Post-Drawing to Freely Move Launches. Prior to the annual lottery drawing, FWP would “set-aside” launches on days not already occupied by an outfitter. Two launches on Sundays and Wednesdays and one launch on all other days of the week would be “set-aside”. Outfitters would have the ability to freely move launch dates through March 31. On April 01, all “set-aside” launches that were not occupied by an outfitter would become available to the general public via the reservation phone line.

Pros

- Low to moderate complexity for Department to administer.
- Moderate flexibility for outfitters to move launches post-drawing.
- More benefit to non-commercial users

Cons

- Low to moderate predictability for outfitters of future river conditions (high water vs. low water) and determination of needed launch date movement.
- March 31 movement deadline allows for low to moderately adequate time for outfitters to reschedule logistics, for both employees and clients, and long-term equipment needs.
- Decreased opportunity for public in lottery drawing (approximately 39 launches).
- Less insurance of providing clients with a quality experience.

Agency Recommendation & Rationale: The department recommends the Commission adopt **Alternative B**. This alternative strikes a reasonable balance between the expressed concerns of outfitters and the issue of increasing private floater opportunities. It provides outfitters greater flexibility and time to freely move launches while also affording them with more reliable predictability as to potential future conditions. Although it does reduce launch opportunities in the lottery drawing for private floaters during the months of May and June, this alternative makes unoccupied launches available 28 days prior to a specific date, giving the public adequate time to acquire the launch and plan ahead and prepare.

Proposed Motion: “I move that the Commission move forward with rulemaking under Alternative B as recommended by the department, allowing set-aside launches for outfitters during the months of May and July, yet making unoccupied launches available to the non-commercial public 28 days in advance.”